REMARKS

Claims 29 and 33 are canceled herein, with claims 1-6 and 9-25 being previously canceled. Claims 7, 8 and 26-28 and 30-32 remain pending in the application.

The Applicants respectfully request that the Examiner initial and return a copy of the IDS filed on January 10, 2008.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following amendments and remarks. No new issues are raised nor is further search required as a result of the changes and remarks made herein. Entry of the Amendment is respectfully requested.

Claims 7, 8 and 26-33 over Chack and Pepe

In the Office Action, claims 7 and 8 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Patent No. 5,742,668 to Pepe et al. ("Pepe") in view of U.S. Pat. No. 6,751,211 to Chack ("Chack"), with claims claims 26-33 being rejected under 35 USC 103(a) as allegedly being obvious over Chack in view of Pepe. The Applicants respectfully traverse the rejection.

Claims 29 and 33 are canceled herein, making the rejection moot in that regard.

Claims 7, 8, 26-28 and 29-32 recite, *inter alia*, a system and method for automatic retrieval and <u>transmission</u> of a data message comprising a **phone number** to a calling communications device according to a user specific retrieval profile. A call to the phone number triggers transmission of <u>user specified</u> **pre-designated** <u>information</u> to the calling communication device.

Chack discloses a transaction processing system that may receive an incoming call notification, but may not be capable of accepting the call for processing (e.g., all agents are already busy and all queues are full). (see col. 8, lines 58-61) If a particular call cannot be accepted, then the transaction processing system may provide a URL to the caller without answering the call. (see Chack, col. 8, lines 61-63) The web page associated with the URL informs the caller that the system is unable to answer the call, and provides the user with

alternate options (e.g., leave an e-mail message, request that an agent call the user, or browse web pages containing information about the organization called by the caller). (see Chack, col. 8, line 64-col. 9, line 2) Since the transaction processing system does not answer the incoming call, no connect charges are incurred because no connection was established. (see Chack, col. 9, lines 2-6)

Chack discloses a transaction processing system that transmits a uniform resource locator (<u>URL</u>) to a transaction initiator – not a data message comprising a **phone number**, as required by claims 26-28 and 29-32.

The deficiency with Chack's transmission of a <u>URL</u> is that the transaction initiator must be able to initiate a <u>data request</u> with that URL, which typically requires some type of data plan subscription. Many persons still desire to maintain minimum fees associated with information retrieval. To provide a solution for information retrieval for such persons, Applications' claims transmit a data message that comprises a <u>phone number</u>. To even further reduce costs associated with a calling communication device, Applicant's claims further require that a call from the calling communication device be terminated <u>before answering</u>. A calling communication device can then use this phone number to retrieve information, using <u>phone access</u> instead of Chack's requirement to use a data plan subscription, to retrieve information. Chack fails to teach or suggest the claimed system and method that allows access to information without relying on a data plan subscription.

Pepe is relied on to allegedly teach a variety of electronic text delivery, receipt, and notification options, with transmission of desired information in a short message. (see Office Action, page 6) Pepe teaches that an e-mail body can include a message sender's address that includes a <u>voice mail</u> phone number. (see col. 19, lines 41-52) Transmitting a <u>voice mail</u> to a calling communication device is – not transmitting <u>user specified</u> **pre-designated information**, as required by claims 26-28 and 29-32.

Chack and Pepe, either alone or in combination, fail to disclose, teach or suggest a system and method for automatic retrieval and <u>transmission</u> of a data message comprising a **phone number** to a calling communications

device according to a user specific retrieval profile, with a call to the phone number triggering transmission of <u>user specified pre-designated information</u> to the calling communication device, as required by claims 26-28 and 29-32.

Accordingly, for at least the above reasons, claims 26-28 and 29-32 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

Claims 7 and 8 over Makela and Chack

In the Office Action, claims 7 and 8 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Patent No. 6,301,338 to Makela et al. ("Makela") in view of Chack. The Applicants respectfully traverse the rejection.

Claims 7 and 8 recite, *inter alia*, a method for automatic retrieval and <u>transmission</u> of a data message comprising a **phone number** to a calling communications device according to a user specific retrieval profile. A call to the phone number triggers transmission of <u>user specified pre-designated information</u> to the calling communication device.

Makela appears to disclose a communication device comprising a message function wherein a short message is set in response to an incoming message in a situation where the user can't answer the call. (see Abstract) A user can depress a function key to select a predefined message from a list of ready messages (see Makela, col. 7, lines 43-46) The user can write a desired reply message through a keypad. (see Makela, col. 7, lines 22-23)

Thus, Makela teaches transmission of a <u>keypad</u> reply message or a <u>canned</u> reply message – not a data message comprising a **phone number** to a calling communications device according to a user specific retrieval profile, as required by claims 7 and 8.

Moreover, Makela teaches a reply message that is specified by a **called party** at a <u>time of a call</u> – not by a <u>user specified **pre-designated**</u> <u>information</u>, as required by claims 7 and 8.

Makela fails to teach or suggest a method for automatic retrieval

and <u>transmission</u> of a data message comprising a **phone number** to a calling communications device according to a user specific retrieval profile, with a call to the phone number triggering transmission of <u>user specified pre-designated information</u> to the calling communication device, as required by claims 7 and 8.

As discussed above, Chack discloses a transaction processing system that transmits a uniform resource locator (<u>URL</u>) to a transaction initiator – not a data message comprising a **phone number**, as required by claims 7 and 8.

Makela and Chack, either alone or in combination, fail to disclose, teach or suggest a method for automatic retrieval and <u>transmission</u> of a data message comprising a **phone number** to a calling communications device according to a user specific retrieval profile, with a call to the phone number triggering transmission of <u>user specified pre-designated information</u> to the calling communication device, as required by claims 7 and 8.

Accordingly, for at least the above reasons, claims 7 and 8 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC
2000 M Street, NW 7TH Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df